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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/574, 317 05/19/00 POLCYN

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EXAMINER

BUI, B

ART UNIT

PAPER NUMBER

2642

DATE MAILED:

08/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. <b>09/574,317</b>	Applicant(s) <b>Polcyn</b>
Examiner <b>Bing Bui</b>	Art Unit <b>2642</b>

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jul 30, 2001

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892) 18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brennan et al (US Pat No. 5,329,578).

**Regarding claim 1,** with respect to Figure 1a, Brennan et al teach a system for completing calls from a calling party 14 to a subscriber (particular called party) who may be present at any one of a plurality of locations comprising:

subscriber's profile which includes subscriber's schedule (calendaring information with respect to said called party) stored in database (on a general processor-based system) (Abstract; Fig 1b, elements 24 and 28; and col 6, ln 47-col 7, ln 4); and

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means for providing select portions of said calendaring information to a voice mail system (an automatic call routing system), wherein a call routing scheme of said voice mail system (call routing system) is modified to route calls as a function of said select portions of said calendaring information (col 1, ln 15-25; col 2, ln 45-60 and col 6, ln 47-col 7, ln 4).

**Regarding claim 2**, with respect to the recited system, Brennan et al further teach the subscriber's profile comprises subscriber's numbers, callers' list, etc. (calendaring information comprises a data file) associated with subscriber's schedule operable in a application processor (personal computer) (Fig 1b; col 4, ln 36-44 and col 5, ln 60-col 6, ln 4).

**Regarding claim 3**, Brennan et al further teach the providing means is operable automatically (col 1, ln 15-25; col 5, ln 39-46 and col 6, ln 47-col 7, ln 4).

**Regarding claim 4**, Brennan et al further teach the automatic operation of said providing means is initiated upon modification of said subscriber's profile which includes subscriber's schedule (calendaring information) stored in a database (general purpose processor-based system) (col 1, ln 15-25; col 5, ln 39-46 and col 6, ln 47-col 7, ln 4).

**Regarding claim 5**, Brennan et al teach a method and system for scheduling a telephone call from a calling party directed to a particular called party, wherein said automatic operation of said agent module (providing means) is initiated at a preselected time interval (col 1, ln 15-25; col 5, ln 39-46 and col 6, ln 47-col 7, ln 4).

**Regarding claim 6**, Brennan et al further teach the providing means comprises:

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means for gleaning said subscriber's schedule from subscriber's profile (select portions of calendaring information from a data file) stored in database (general purpose processor-based system) (Figs 3a-3e; col 6, ln 47-col 7, ln 4 and col 13, ln 45-56); and

means for manipulating said gleaned information to provide said calendaring information in a format suitable for augmentation into call routing information of said call routing system (Figs 3a-3e; col 6, ln 47-col 7, ln 4 and col 13, ln 45-56).

**Regarding claim 7**, Brennan et al further teach the providing means comprises means for selectively disseminating at least a portion of said calendaring information through said call routing system, wherein said disseminated calendaring information results in a humanly perceptible reproduction of said at least a portion of said calendaring information (Figs 3a-3e; col 6, ln 47-col 7, ln 4 and col 13, ln 45-56).

**As to claims 8-14**, they are rejected for the same reasons set forth to rejecting claims 1-7 above, since claims 8-14 are merely a method of operation for the system defined in the system claims 1-7.

**As to claims 15-20**, they are rejected for the same reasons set forth to rejecting claims 1-6, respectively.

4. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuller et al (US Pat No. 5,610,970).

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**Regarding claims 1 and 8,** with respect to Figure 1, Fuller et al teach a system and method for completing calls from a calling party 26 to a subscriber (particular called party) who may be present at any one of a plurality of locations comprising:

calendaring information with respect to said called party stored in a database ( a general processor-based system) (col 1, ln 25-50 and col 9, ln 65-col 10, ln 25); and

means for providing select portions of said calendaring information to an automatic call routing system, wherein a call routing scheme of said call routing system is modified to route calls as a function of said select portions of said calendaring information (col 1, ln 25-50 and col 9, ln 65-col 10, ln 25).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneyer et al (US Pat No. 5,388,150) disclose a system and method for disposing an incoming call based on time and date as scheduled by subscriber.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Bing Bui

Patent Examiner

Mar 30, 2001

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600